

Today's Topics:

1. Re: Elementary Digest, Vol 70, Issue 2 (Martha Bergren)

EXHIBIT 18
DATE 3/16/07
SB 289

Message: 1

Date: Wed, 28 Feb 2007 06:45:56 -0800 (PST)

From: Martha Bergren <martha.bergren@sbcglobal.net>

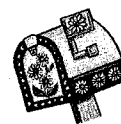
Subject: Re: [elementary] Elementary Digest, Vol 70, Issue 2

To: NASN School Nurses in Elementary Schools Discussion List

<elementary@lists.nasn.org>

Message-ID: <484596.27376.qm@web80202.mail.mud.yahoo.com>

Content-Type: text/plain; charset="iso-8859-1"



Ms. Dorothy Warner
3220 Wharton St.
Butte, MT 59701

498-4131

Actually, HIPAA was based on FERPA and they are similar.

Differences:

FERPA allows sharing within school with those who have "legitimate education interest" without parent authorization

FERPA allows transferring records without authorization to a school the child plans to enroll in.

HIPAA allows sharing information with parties for Treatment, Payment or Operations or for Public Health purposes without authorization.

HIPAA requires annual training and appointment of a Privacy Officer.

HIPAA spells out HOW to protect information, and specific standards for electronic records and Internet transmission.

HIPAA's penalties (heavy fines and imprisonment) for breaches and violations are steep.

Similarities: emergency releases, annual notice of practices, client or parents have right to review record and request amends, both are to keep a log of external persons who access record,

The following journal articles are available online through www.nasn.org

Bergren, M. D. (2004). Privacy questions from practicing nurses. Journal of School Nursing, 20, 296-301.

Bergren, M. D. (2004). HIPAA ? FERPA revisited. Journal of School Nursing, 20, 107 - 112.

Bergren, M.D. (2004). HIPAA and FERPA in schools. NASN Newsletter, 19(3), 20 - 24.

Bergren, M. D. (2001). HIPAA hoopla: Privacy and security of identifiable health information. Journal of School Nursing, 17(6), 336 - 341.

Online testimonies:

Bergren, M. D. (2006, September 15). Testimony, Privacy protections for medical records of non-covered entities, National Committee on Vital Health Statistics Subcommittee on Privacy & Confidentiality, United States Department of Health and Human Services, Washington DC. <http://www.ncvhs.hhs.gov/060915p3.pdf>

Bergren, M. D. (2004, February 19). Testimony, HIPAA and FERPA in Schools, National Association of School Nurses, National Committee on Vital Health Statistics Subcommittee on Privacy & Confidentiality, Washington DC. <http://www.va.gov/virtconf.htm>

Privacy and Care Plans:

Bergren, M. D. (2005). HIPAA, FERPA and the privacy of student health information in individual healthcare plans. In Individualized healthcare plans for the school nurse. C. Silkworth, M. Arnold, J. Harrigan, & D. Zaiger (Eds). North Branch, MN: Sunrise River Press. www.schoolnursebooks.com

But do get this book for your school health office library:

Schwab, N. C., Ruben, M., Maire, J. A., Gelfman, M. H. B, Bergren, M. D., Mazyck, D. & Hine, B. (2005). Protecting and sharing student health information: Guidelines for developing school district policies and procedures. Kent, OH: American School Health Association.

Martha Bergren

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